

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE HERNANDEZ, *on behalf of himself and others
similarly situated*,

Plaintiff,

-against-

AUTO PERFECTION ASSOCIATES INC.,
DANIEL MAYA, and FABIO ABREU,
Defendants.

Case No. 1:25-cv-00767 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Plaintiff Jose Hernandez (“Plaintiff”) commenced this action on January 27, 2025. Dkt. 1. Federal Rule of Civil Procedure (“Rule”) 4(m) required Plaintiff to serve Defendants within 90 days of the filing of the complaint — that is, by April 27, 2025. *See* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”). Plaintiff served Defendants Daniel Maya and Auto Perfection Associates, Inc. (the “Served Defendants”), on April 8, 2025, *see* Dkts. 5-6, but has not served Defendant Fabio Abreu (“Abreu”).


On May 5, 2025, the Court ordered Plaintiff to show cause as to why he had failed to serve the Summons and Complaint on Defendant Abreu within the 90 days prescribed by Rule 4(m), or, if he believed that Defendant Abreu had been served, when and in what manner such service was made. Dkt. 8. Plaintiff was instructed that if the Court it did “not receive any communication from Plaintiff by May 13, 2025, showing good cause why such service was not made within the 90 days, the Court w[ould] dismiss the case as to Defendant Abreu without further notice.” *Id.* That date has now passed without Plaintiff responding to the

Court's Order to Show Cause, filing proof of service on Defendant Abreu, or otherwise communicating with the Court. By separate Order, the Court also extended the Served Defendants' answer deadline from April 29, 2025, to May 13, 2025. *See* Dkt. 7. To date, the Served Defendants have not responded to the Complaint or otherwise communicated with the Court.

For the reasons set forth in this Order and the Order to Show Cause, it is hereby ORDERED that this case is DISMISSED as to Defendant Abreu pursuant to Rule 4(m) for lack of timely service. The Clerk of Court is respectfully directed to update the docket accordingly. It is further ORDERED that Plaintiff shall submit a status letter to the Court no later than **May 23, 2025**, regarding next steps as to the Served Defendants.

Dated: May 16, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge